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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Gove.nment of the Netherlands
dated 4 March 1998

GE.98 -13155

Replies to the questionnaire on the human rights of migrants

Question 1 ***What are the latest figures or estimates for:***
a: total population, including non-nationals, preferably by nationality of origin;

The most recent figures, published by Statistics Netherlands (CBS), reflect the situation as at 1 January 1996.

The table below gives the population figures for the main groups targeted by Dutch minorities policy, according to country of origin and nationality. For a complete breakdown, see annexe 1 (CBS Monthly Statistics, January 1997, table 1: Population according to nationality and country of birth, 1 January 1996).

Nationality	Born in the Netherlands	Born in country of nationality
Turkish	46,000	107,522
Moroccan	45,464	103,778
Surinamese	527	14,452
Italian	5,168	11,216
Former Yugoslavia	2,572	30,569
Spanish	3,363	12,816

Annexe 2 presents a breakdown of the ethnic minority population according to country of origin, regardless of official nationality (CBS Monthly Statistics, January 1997, table 2).

b: number of nationals abroad, preferably by country of residence.

No records are kept of Dutch nationals living abroad.

c: non-nationals having authorization to work in the country:

The Ministry of Foreign Affairs keeps records of employment figures only in respect of ethnic minorities. It does not itself keep or publish data on the number of work permits issued to migrants. For the record, the following table shows the number of people of Dutch and non-Dutch origin employed in the Netherlands (source: CBS Yearbook, 1996).

Employment figures for the working population aged 15-64 according to ethnic origin

	1990	1992	1993	1994	1995
	x 1000				
People of Dutch origin					
Labour force	5,563	5,761	5,826	5,859	5,986
employed	5,233	5,437	5,452	5,436	5,574
unemployed	330	323	374	423	412
Non-working population	3,727	3,570	3,514	3,482	3,405
Total	9,290	9,331	9,340	9,340	9,391
People of non-Dutch origin					
Labour force	499	536	580	608	610
employed	411	448	473	484	489
unemployed	89	88	107	123	122
Non-working population	439	482	500	525	497
Total	938	1,018	1,080	1,133	1,107

d. estimate of irregular migrants, including visa abusers, by country of origin.

No statistics available.

Question 2: ***What measures are being taken to strengthen the promotion, protection and implementation of the human rights of migrants such as:***
a: legal measures;
b: public information and education
c: provision of direct assistance and service
d: other measures, including bilateral and multilateral arrangements

Answer to *a: legal measures*

The Dutch government would observe that by signing numerous international declarations and conventions (including the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the International Convention on the Elimination of All Forms of Racial Discrimination), the Netherlands has undertaken to observe their provisions on human rights, which are also directly applicable in Dutch legislation (for example, article 26 of the ICCPR and article 18 of the ECHR).

Most of these rights are enshrined in the Constitution to emphasise the equality and rights accorded to all persons in the Netherlands. Article 1 of the Constitution provides that all persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted. Other fundamental human rights are enshrined in various articles of the Constitution, including article 6 (freedom of religion), article 7 (freedom of expression) articles 8 and 9 (freedom of association and assembly), articles 10 and 11 (the right to privacy and the inviolability of the person).

As regards efforts to combat racism and discrimination in particular, the Netherlands is a signatory to, for example, the declaration of intent "Europe against Racism" (1997) and a general declaration against racial discrimination (1992).

The right to equal treatment is reflected in statutory provisions under
a) civil law, and

b) criminal law.

a) Civil law

The most important provision under civil law is the Equal Treatment Act, which prohibits any distinction between persons, whether direct or indirect, on the grounds of religion, belief, political opinion, race, sex, nationality, sexual preference or marital status (section 1). In accordance with the prevailing view, race is also understood to mean skin colour, origin or national or ethnic background. The following areas are within the scope of the Act:

- employment
- self-employment
- the provision of goods and services
- information about the choice of schools and occupations

b) Criminal law

The provisions under the Criminal Code concern a) the making of racist utterances (article 137c and 137d) or the distribution of written material in which they occur (article 137e) and b) actual discrimination on the grounds of race (articles 137g/article 429 quater). The Criminal Code also makes provision concerning participation in activities aimed at racial discrimination (article 137f).

The Dutch government's policy aims to strengthen the legal status of people of non-Dutch origin who are entitled to live in the Netherlands and to foster their participation in society, politics and employment. The following are some of the instruments available for this purpose:

- the Minorities (Consultation) Act, which safeguards and regulates consultation with organisations representing minority communities
- the Newcomers Integration Bill, which aims to offer newcomers to the Netherlands the opportunity to learn Dutch and to become integrated in Dutch society
- a bill to promote equal employment of members of ethnic minority groups, further to the Fair Employment of Ethnic Minorities Act
- the Elections Act, which entitles residents of non-Dutch origin to vote in local

elections

- the Health and Social Services (Provisional Asylees) Act, which ensures that asylum-seekers admitted to the Netherlands receive all essential services.

Answer to *b: public information and education*

The main thrust of Dutch policy is to create conditions enabling all residents to exercise their fundamental rights. A project to mark the 150th anniversary of the Constitution devotes special attention to this matter. The government's efforts in this respect are geared to fostering good education and effective public information, both of which equip people to take advantage of the opportunities open to them to participate fully in society. The government therefore considers it important for newcomers to increase such opportunities to participate by becoming integrated in Dutch society. The government also promotes intercultural education so that pupils are aware that they live in a multicultural society.

The Minorities (Consultation) Act ensures that minority groups are given the opportunity to make their views heard and therefore play a full role in society. At the same time, it ensures that the government receives valuable feedback from this sector of the population, which is important for the development of new policy.

Within the context of the government's effort to prevent discrimination and racism, the National Anti-racism Committee launched a special campaign during the European Year Against Racism, highlighting consciousness-raising projects, racism in everyday situations and discrimination in the workplace. The government actively promotes codes of conduct to combat discrimination in trade and industry and in organisations of every kind. The government itself not only initiates awareness-raising projects (such as anti-racism broadcasts on television) but also supports those carried out by non-governmental organisations.

Answer to c*: provision of direct assistance and service*

The government provides a legislative framework to promote the rights of people from ethnic minority groups and ensure they are able to participate in society. One example is the bill to promote the integration of newcomers. The provision of direct assistance and individual help has been delegated to the lower tiers of government or is the responsibility of various non-governmental organisations. Central government nevertheless offers the funding and resources they need to carry out their work.

Answer to *d: other measures, including bilateral and multilateral arrangements*

Under the heading "legal measures", the government referred to the international conventions on human rights which the Netherlands has signed and to which it subscribes. The government also advocated the inclusion of an anti-discrimination clause in the Treaty of Amsterdam. In addition, the Netherlands is active in numerous fora of the European Union and the Council of Europe, focusing attention on the legal status of ethnic minority groups, particularly of nationals of third countries.

Question 3: Have there been manifestations (how many cases?) of racism, xenophobia and other forms of discrimination against migrants (a.) and against your nationals in another country (b.)

Answer to a:

The available statistics on the incidence of discriminatory and/or racist incidents are not entirely reliable because of problems relating to the registration of such cases. One obstacle is the fact that many incidents are not reported to the authorities or in the press; another is that the Netherlands does not yet have a national network of anti-discrimination agencies with a uniform registration system. The various police regions likewise use different registration systems. The following is therefore intended to give an impression of the situation, but the information is far from complete.

The National Bureau Against Racism is currently preparing a uniform registration system for the country's anti-discrimination agencies, partly to make the records more systematic. The government tries to keep track of the situation by monitoring incidents of racism and

discrimination. In September 1997, the Minister of the Interior submitted the first report on *Racism and Right-wing Extremists* to Parliament, which mentions the registration problems referred to above. The report contains the findings of a study, but notes that the figures it presents probably reflect under-reporting. The most recent data are for 1996 (see annexe 3: rate of violent and non-violent incidents per police region, 1994-1996). In 1996, the Internal Security Service and the National Criminal Intelligence Division registered 201 incidents of inter-ethnic violence as compared with 295 in 1994).

A survey of *Racist Violence in the Netherlands*, which the Ministry of Justice carried out in 1994, assessed the incidence of various kinds of racism, in addition to violence, such as graffiti, racist language and the distribution of discriminatory texts. The number of incidents totalled 1228 (690 of which were graffiti). Annexe 4 contains two tables giving the figures for 1994 relating to racist incidents and violence according to type of incident.

The Minister of the Interior has decided that reports of this kind shall continue to be published. More up-to-date figures are expected at the end of 1998, when the next Monitor is due.

No figures are yet available regarding the number of complaints lodged nationwide.

Answer to b:

As far as is known this does not occur.

Question 4. What steps have been taken in order to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97), and the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (no. 143)?

Answer:

a. the 1990 International Convention on the Protection of the Rights of All Migrant

Workers and Members of Their Families

The Kingdom of the Netherlands is not party to the Convention.

b.the International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97)

The Kingdom of the Netherlands ratified the Convention on 22 January 1952 (for the parts of the Kingdom in Europe).

c. the ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (no. 143).

The Kingdom of the Netherlands does not intend to ratify this Convention.

Secretariat note: the enclosures to the present submission are kept by the Secretariat and are available upon request.